

UNDER SEAL

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

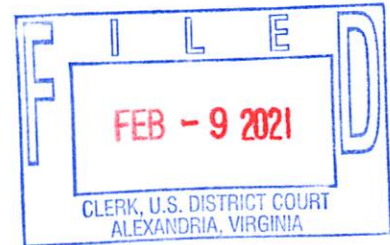
UNITED STATES OF AMERICA

v.

JESUS FUNEZ FUENTES,
/a/k/a "Pun"

and

MARIA ANTONIA LOVOS,
Defendants.



UNDER SEAL

Case No. 1:21-mj-39

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Nobi Thomas, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent with ATF since September 2018. I am currently a member of the ATF Washington Field Division's Washington Group II. My assignments include investigating individuals who are involved in the illegal possession and transfer of firearms, violent crimes involving firearms, and narcotics and firearms trafficking. Prior to joining ATF, I served as a police officer with the Chesterfield County Police Department in Virginia for four (4) years. I am also a graduate of the ATF Special Agent Basic Training program in Glynco, Georgia.

2. During the course of my career in law enforcement, I have participated in investigations of individuals and entities for possible violations of federal laws, particularly those laws found in Titles 18 and 21 of the United States Code. I have also participated in the use of cooperating informants, undercover agents, video surveillance, GPS tracking devices, search

warrants, and audio surveillance, among other investigative techniques. Moreover, I have participated in numerous controlled buy operations of firearms and narcotics from targets of law enforcement investigations. I have been involved in proactive and reactive cases.

3. I submit this affidavit in support of a criminal complaint and arrest warrants charging JESUS FUNEZ FUENTES, a/k/a "Pun" ("FUENTES"), and MARIA ANTONIA LOVOS ("LOVOS") with conspiracy to make false statements with respect to information required to be kept in the records of a Federal Firearms Licensee ("FFL") in the course of purchasing a firearm, in violation of 18 U.S.C. §§ 371 and 924(a)(1)(A).

4. The facts and information contained in this affidavit are based upon my personal knowledge, training, and experience, as well as information and evidence obtained from other law enforcement officials and witnesses. All observations I did not personally make were relayed to me by the individuals who made them or come from my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.

5. All firearms referenced in this affidavit are "firearms" as defined by Title 18, United States Code, Section 921(a)(3). None of the firearms referenced in this affidavit were manufactured in the Commonwealth of Virginia but were imported to and sold in the Commonwealth of Virginia and, therefore, traveled in and/or affected interstate commerce.

PROBABLE CAUSE

6. In the course of conducting what were initially thought to be unrelated investigations of two suspected straw-purchasers operating in the Eastern District of Virginia, one of whom is LOVOS, ATF agents identified FUENTES as a suspected trafficker of firearms on the

East Coast.

7. A criminal history check revealed that FUENTES has been prohibited by law from possessing firearms since May of 2011, when he was convicted in the New York County Supreme Court of a crime punishable by imprisonment for a term exceeding one year, namely: felonious Attempted Criminal Possession of a Weapon.

8. A criminal history check further revealed that FUENTES was indicted for multiple narcotics-related felonies in the Spotsylvania County Circuit Court in 2015 and, after failing to appear for court proceedings in 2017, had been wanted by law enforcement until his arrest on unrelated charges in February of 2020.

LOVOS' Firearm Purchases

9. In November 2019, an Intelligence Research Specialist at the ATF's Washington, D.C. Crime Gun Intelligence Center reviewed numerous multiple firearm sales reports of transactions conducted by LOVOS indicating that LOVOS had purchased numerous firearms at one time on at least 7 different occasions. Many of the firearms were of the same make and model, which, in my training and experience, is indicative of someone conducting straw-purchases.

10. Based on a review of LOVOS' firearms transaction records, the ATF determined that, during the course of five weeks in the autumn of 2019, LOVOS purchased two firearms from RK Holdings, LLP, d/b/a "Rural King" ("Rural King"), an FFL located in Front Royal, Virginia, within the Western District of Virginia. The ATF further determined that, during the same time period, LOVOS purchased approximately 29 firearms from various FFLs throughout the Eastern District of Virginia, namely:

- a. Gander Outdoors ("Gander"), located in the Fredericksburg area of Spotsylvania County;

- b. Bass Pro Shops (“Bass Pro”), located in Hanover County;
- c. Green Top Sporting Goods (“Green Top”), located in Hanover County;
- d. Dance’s Sporting Goods (“Dance’s”), located in Colonial Heights;
- e. Cabela’s locations in Henrico County (“Cabela’s HC”) and Prince William County (“Cabela’s PWC”);
- f. SSG Tactical (“SSG”), located in Fredericksburg;
- g. All Shooters Tactical (“All Shooters”), located in Prince William County;
- h. Trojan Arms Tactical (“Trojan”), located in Prince William County;
- i. Spec Dive Tactical (“Spec Dive”), located in Alexandria;
- j. Proven Arms and Outfitters (“Proven Arms”), located in Prince William County;
- k. High Velocity Arms (“High Velocity”), located in Spotsylvania County; and
- l. Clark’s Gun Shop (Clark’s”), located in Fauquier County.

11. LOVOS’ firearms transaction records reflect that LOVOS purchased the following firearms:

<i>Date</i>	<i>Make</i>	<i>Model</i>	<i>Caliber / Type</i>	<i>Serial No.</i>	<i>FFL</i>
10/18/19	Taurus	PT111 G2A ¹	9mm pistol	TMR31376	Bass Pro
10/18/19	Taurus	G2C	9mm pistol	TMT43405	Gander
10/19/19	Taurus	PT111 G2A	9mm pistol	TMR14285	Cabela’s HC
10/19/19	Taurus	PT111 G2A	9mm pistol	TMR12814	Cabela’s HC
10/21/19	Taurus	G2C	9mm pistol	TMT29245	SSG
10/21/19	Smith & Wesson	M&P Shield 40	.40 pistol	LFE9685	Cabela’s PWC
10/22/19	Smith & Wesson	SD40VE	.40 pistol	FBN9781	Dance’s
10/23/19	Glock	22	.40 pistol	CMK156US	All Shooters
10/24/19	Smith & Wesson	SD40VE	.40 pistol	FXV3611	Dance’s

¹ When LOVOS purchased this firearm, she provided an address on Just Road in Unionville, Virginia. ATF investigation revealed that LOVOS did live at that address. Lovos returned this firearm shortly after purchasing it. She proceeded to purchase the other firearms in this chart, listing other addresses on the paperwork she completed in the course of the purchases.

10/28/19	Taurus	G2C	9mm pistol	TMT51701	Dance's
10/28/19	Springfield	XD-9	9mm pistol	ATI31977	Green Top
10/29/19	Ruger	EC9	9mm pistol	456-20963	All Shooters
10/29/19	Ruger	EC9	9mm pistol	456-07217	Trojan
10/30/19	Kel-Tec	P-11	9mm pistol	AVG06	Spec Dive
10/30/19	Smith & Wesson	SD9VE	9mm pistol	FBB8793	Proven Arms
10/31/19	Ruger	EC9	9mm pistol	456-63003	Cabela's HC
10/31/19	Springfield	XD-40	.40 pistol	GM127263	Dance's
11/02/19	Ruger	EC-9	9mm pistol	456-46132	High Velocity
11/02/19	Ruger	EC-9	9mm pistol	456-46132	High Velocity
11/05/19	Springfield	XD	.357 pistol	US327236	All Shooters
11/06/19	Smith & Wesson	SD9VE	9mm pistol	FBW1396	Proven Arms
11/07/19	Springfield	XD-40	.40 pistol	US191559	Dance's
11/08/19	Taurus	TH40C	.40 pistol	SMD64194	Dance's
11/08/19	Ruger	EC9	9mm pistol	456-25473	Bass Pro
11/08/19	Ruger	EC9	9mm pistol	456-36569	Bass Pro
11/10/19	Springfield	XDS-45	.45 pistol	HG102913	Cabela's PWC
11/10/19	Springfield	XD-45 ACP	.45 pistol	GM492536	Cabela's PWC
11/10/19	Smith & Wesson	SD-40VE	.40 pistol	FBN6597	Rural King
11/10/19	Glock	19X	9mm pistol	BKKP708	Rural King
11/14/19	Springfield	XDS-45	.45 pistol	US712264	Spec Dive
11/15/19	Smith & Wesson	M&P Shield	.40 pistol	MPM4241	Clark's

12. On or about November 18, 2019, the Smith & Wesson, model SD9VE, 9mm pistol bearing serial no. FBB8793 (hereinafter "Gun A") that LOVOS purchased from Proven Arms on or about October 30, 2019 was recovered by the Baltimore City Police Department after an anonymous caller complained that people were selling drugs and keeping their stash in a vacant building. An officer who responded to the call did not find any individuals present, but he located Gun A – along with a magazine, 9mm ammunition, and a digital scale – inside of a bag sitting on a box outside of the building. Gun A was not in LOVOS' possession when it was recovered, and LOVOS was not present when Gun A was recovered.

13. On or about November 19, 2020, the Smith & Wesson, model SD40VE, .40 caliber pistol bearing serial no. FBN6597 (hereinafter "Gun B") that LOVOS purchased from Rural King on or about November 11, 2019 was recovered from a residence by the Baltimore City Police

Department. Gun B was not in LOVOS' possession when it was recovered, and LOVOS was not present when Gun B was recovered. An automated ballistics evaluation conducted by the ATF's National Integrated Ballistic Information Network ("NIBN") revealed that Gun B had been used in at least six other instances in Baltimore, including three separate attempted homicides in May of 2020.

14. The ATF investigated further and collected evidence, including store video and receipts, from each of the FFLs and obtained the ATF Form 4473 for each of LOVOS' firearm transactions.

15. Federal law prohibits FFLs from selling a firearm to a non-licensee purchaser "unless the [FFL] records the transaction on a firearms transaction record, Form 4473." 27 C.F.R. § 478.124(a). The law further requires FFLs to retain "as a part of the required records, each Form 4473 obtained in the course of transferring custody of the firearms." 27 C.F.R. § 478.124(b). Accordingly, any false statement a purchaser makes on a Form 4473 pertains to information an FFL is required by law to maintain.

16. For each of the 29 firearms that LOVOS purchased from the FFLs in 25 transactions, she was required by law to truthfully fill out an ATF Form 4473. Question 11.a. on ATF Form 4473 reads:

Are you the actual transferee/buyer of the firearm(s) listed on this form? Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.

On each occasion, LOVOS responded "yes" to Question 11.a.

17. On Section 14 of each ATF Form 4473, LOVOS certified by signature that her answers on the form were "true, correct, and complete," and that she understood that "making any

false oral or written statement, or exhibiting any false or misrepresented identification with respect to [the] transaction, is a crime punishable as a felony under Federal law.”

18. Video footage provided by Dance’s shows the following:

- a. On or about October 22, 2019, LOVOS and FUENTES entered Dance’s together. FUENTES pointed to a firearm, which a sales clerk subsequently handed to LOVOS. LOVOS completed paperwork and waited. Meanwhile, FUENTES entered the ammunition section of the store, selected a box of ammunition, opened that box, inspected its contents, and then placed the box back onto a shelf. LOVOS paid cash for the Smith & Wesson, model SD40VE, .40 caliber pistol bearing serial no. FBN9781 before leaving.
- b. On or about October 24, 2019, LOVOS and FUENTES entered Dance’s together. FUENTES lingered in other areas of the store while LOVOS completed paperwork and paid cash for a Smith & Wesson, model SD40VE, .40 caliber pistol bearing serial no. FXV3611. LOVOS and FUENTES then exited the store together.
- c. On or about October 31, 2019, LOVOS and FUENTES entered Dance’s together. FUENTES and LOVOS perused the firearm display cases before LOVOS completed paperwork and paid cash for a Springfield, model XD-40, .40 caliber pistol bearing serial no. GM127263 while FUENTES stood nearby. FUENTES picked up what appears to be a box of ammunition and removed what appears to be a bullet from the box, approaching the sales counter and speaking to the clerk and to LOVOS. FUENTES put the bullet back inside the box and placed the box back on the shelf. FUENTES picked up a different box

of what also appears to be ammunition and removes what appears to be a bullet from that box before replacing the bullet and putting the box back on the shelf.

- d. On or about November 7, 2019, LOVOS returned to Dance's without FUENTES, completed paperwork, and purchased a Springfield, model XD-40, .40 caliber pistol bearing serial no. US191559 before leaving the store.
- e. On or about November 8, 2019, LOVOS and FUENTES entered Dance's together. FUENTES and LOVOS perused the firearm display cases before LOVOS completed paperwork and paid cash for a Taurus, model TH40C, .40 caliber pistol bearing serial no. SMD64194. LOVOS and FUENTES left the store together.

19. Video footage provided by Green Top shows that on or about October 28, 2019, LOVOS and FUENTES entered Green Top together. LOVOS paid cash for a Springfield, model XD9, 9mm pistol bearing serial no. ATI3197. FUENTES approached the sales counter with boxes he had selected and had a discussion with the sales clerk. FUENTES purchased those boxes, handing the sales clerk cash he had in his possession and some change that LOVOS handed him. Store records reveal that FUENTES purchased two boxes of .223 Remington ammunition.

20. Video provided by Spec Dive shows the following:

- a. On or about November 14, 2019, LOVOS and FUENTES arrived at Spec Dive in a Honda Pilot driven by LOVOS with FUENTES as a passenger. They exited the vehicle, entered the store, and LOVOS paid cash for a Springfield, model XDS-45, .45 caliber pistol bearing serial no. US712264.
- b. On or about October 30, 2019, LOVOS and FUENTES arrived at Spec Dive in a Honda Pilot driven by LOVOS with FUENTES as a passenger. They exited

the vehicle, entered the store, and LOVOS paid cash for a Kel-Tec, model P-11, 9mm pistol bearing serial no. AVG06.

21. With respect to the November 15, 2019 purchase from Clark's, the Virginia State Police Firearms Transaction Unit notified the ATF that LOVOS was attempting to purchase a firearm at that location. ATF Special Agents responded to Clark's and observed LOVOS return to Clark's as a passenger in her 2009 Honda Pilot, which was being driven by a male who would later be identified as FUENTES. Agents observed LOVOS exit her vehicle, retrieve the firearm that she had purchased, which was a Smith & Wesson, model M&P Shield, .40 caliber pistol bearing serial no. MPM4241, and leave in the vehicle in which she had arrived. ATF Agents followed the couple. FUENTES exited the vehicle at a gas station in Manassas and walked into the store, then got back into the vehicle before stopping the vehicle again at the Manassas rest area on I-66 for approximately 15 minutes. FUENTES then drove into Maryland and, while travelling in stop-and-go traffic on I-495, slowed down and spoke to a person whose Honda Accord appeared to be broken down on the side of the road. After Fuentes passed that broken-down vehicle, the Accord's driver got into the Accord and merged into traffic behind FUENTES and LOVOS, appearing to follow them. Agents attempted to conduct a vehicle stop on both vehicles, but FUENTES fled from the agents and exited onto the New Hampshire Avenue exit of I-495. FUENTES and LOVOS were not apprehended.

Straw A's Firearm Recoveries

22. On or about February 25, 2019, a Taurus, Model PT22, .22LR pistol bearing serial no. Y158681 (hereinafter "Gun C") was recovered from an arrested subject by the Montgomery County Police Department in Gaithersburg, Maryland. A trace of Gun C revealed that it was purchased from Gander by an unindicted co-conspirator ("Straw A") on or about May 26, 2014.

Gun C was not in Straw A's possession when it was recovered, and Straw A was not present when Gun C was recovered.

23. On or about November 21, 2019, a Taurus, model G2C, 9mm pistol, bearing serial no. TMT46988 (hereinafter "Gun D") was recovered by the Baltimore City Police Department in Baltimore, MD. A trace of Gun D revealed that it was purchased by Straw A from Rural King just eight days prior, on or about November 13, 2019. Gun D was not in Straw A's possession when it was recovered, and Straw A was not present when Gun D was recovered.

24. On or about July 19, 2020, a Taurus, model PT738, .380 ACP caliber pistol bearing serial no. 04719F (hereinafter "Gun E") was recovered from the residence of an individual prohibited by law from possessing a firearm by the Hanover County, Virginia Sheriff's Department. A trace of Gun E revealed that it was purchased by Straw A from Cabela's HC on or about January 27, 2020. Gun E was not in Straw A's possession when it was recovered, and Straw A was not present when Gun E was recovered.

STRAW A's Firearm Purchases

25. After firearms purchased by Straw A began being recovered by law enforcement, the ATF began investigating whether Straw A may have in fact purchased those firearms and others from FFLs for someone else, in violation of Title 18, United States Code, Section 924(a)(1)(A).

26. Based on a review of Straw A's firearms transaction records, the ATF has determined that from August 2018 through January 2020, Straw A purchased four firearms from Rural King and approximately 28 firearms from various FFLs throughout the Eastern District of Virginia, namely: Gander; Bass Pro; Green Top; Dance's; and Cabela's HC.

27. Straw A's firearms transaction records reflect that Straw A purchased the following firearms:

<i>Date</i>	<i>Make</i>	<i>Model</i>	<i>Caliber / Type</i>	<i>Serial No.</i>	<i>FFL</i>
08/04/18	Remington	1911 R1	.45ACP pistol	RHH058331	Gander
03/16/19	Taurus	PT111 G2A	9mm pistol	TLX73456	Bass Pro
06/23/19	Smith & Wesson	SD40VE	.40 S&W pistol	LEF9307	Bass Pro
06/23/19	Smith & Wesson	M&P15 ²	5.56x45mm rifle	TK65171	Bass Pro
08/31/19	Taurus	PT111 G2A	9mm pistol	TMR00448	Bass Pro
09/13/19	Smith & Wesson	M&P Shield 40	.40 S&W pistol	LEF9307	Gander
09/13/19	Beretta	PX4 Storm	9mm pistol	PX9220B	Gander
09/21/19	FNH USA	FNS-9	9mm pistol	GKU0005420	Gander
10/04/19	SAR Arms/EAA	SARB6P	9mm pistol	T110213606073	Gander
10/05/19	Smith & Wesson	SW40VE	.40 S&W pistol	DVU5812	Gander
10/06/19	Springfield	XD	9mm pistol	AT158869	Green Top
10/07/19	Springfield	XD	9mm pistol	AT158864	Green Top
10/09/19	Taurus	G2C	9mm pistol	TMT46917	Gander
10/14/19	Taurus	G2C	9mm pistol	TMT46917	Gander
10/15/19	Taurus	PT111 G2A	9mm pistol	TMR15043	Cabela's HC
10/15/19	Taurus	PT111 G2A	9mm pistol	TMR93210	Cabela's HC
10/16/19	Taurus	G3	9mm pistol	TMU21880	Green Top
10/16/19	Taurus	PT111 G2A	9mm pistol	TMR30072	Bass Pro
10/25/19	American Tactical	Omni Hybrid ³	5.56x45mm pistol	NS217092	Dance's
10/25/19	Taurus	PT111 G2A	9mm pistol	TMR19444	Bass Pro
10/26/19	Taurus	PT140 Pro	.40 S&W pistol	SDP19270	Gander
10/27/19	Taurus	PT740	.40 S&W pistol	SDS70329	Gander
11/09/19	Ruger	EC9S	9mm pistol	45662054	Bass Pro
11/09/19	Ruger	EC9S	9mm pistol	45662187	Bass Pro
11/12/19	Ruger	EC9S	9mm pistol	45658770	Rural King
11/12/19	Ruger	EC9S	9mm pistol	45661693	Rural King
11/13/19	Taurus	PT111 G2A	9mm pistol	TMU10516	Rural King
11/13/19	Taurus	PT111 G2A	9mm pistol	TMT46988	Rural King
12/14/19	Taurus	G2C	9mm pistol	AAM089102	Gander
01/27/20	Taurus	TH40C	.40 S&W pistol	SLZ42940	Dance's
01/27/20	Taurus	PT940	.40 S&W pistol	STA70702	Cabela's HC
01/27/20	Taurus	PT738	.380 ACP pistol	04719F	Cabela's HC

² Pawn records reveal that LOVOS pawned this firearm on August 5, 2019 at Old Town Silver Exchange in Lakeside, Virginia. A copy of LOVOS' Virginia driver's license was made in the course of the transaction and retained.

³ This weapon can fire the .223 Remington ammunition that FUENTES purchased 3 days later with LOVOS.

28. The ATF investigated further and collected evidence from each of the FFLs and obtained the ATF Form 4473 for each of Straw A's firearm transactions.

29. For each of the 32 firearms that Straw A purchased from the FFLs in 25 transactions, she was required by law to truthfully fill out an ATF Form 4473. On each occasion, Straw A responded "yes" to Question 11.a.

30. On Section 14 of each ATF Form 4473, Straw A certified by signature that her answers on the form were "true, correct, and complete," and that she understood that "making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to [the] transaction, is a crime punishable as a felony under Federal law."

ATF Interview of Straw A

31. On March 18, 2020, Straw A consented to a voluntary interview with ATF agents. ATF agents asked Straw A about her firearms purchases.

32. Straw A initially claimed she had only purchased three firearms in her lifetime. She claimed a .22 caliber pistol had been stolen by an ex-boyfriend, a 1911-style pistol had been sold to an unidentified male via an acquaintance, and a Taurus G2C pistol remained in her possession locked in a safe underneath her bed. However, Straw A subsequently admitted that she did not have possession of any of the purchased firearms and that she had not been truthful with the agents.

33. Straw A verified her signature on numerous completed ATF 4473 forms and admitted that she had provided all 32 firearms she had purchased since August of 2018 to FUENTES, her then-boyfriend. Straw A showed ATF agents text conversations involving firearms on her cellular phone with FUENTES. Straw A advised that FUENTES would provide her with cash for gasoline in addition to the sale price of each firearm, and that she had occasionally driven FUENTES to retail stores where she purchased firearms on his behalf and then drove him

to Baltimore afterward. Straw A advised that she did not know where any of the firearms she purchased are located or to whom FUENTES provided them.

Digital Evidence

34. When she was interviewed in March of 2020, Straw A provided the ATF with her telephone and her consent to a search of that telephone via a digital forensic data extraction. That extraction revealed various phone numbers utilized by FUENTES to communicate with Straw A throughout the course of time during which Straw A illegally purchased the above-referenced firearms for FUENTES.

35. FUENTES utilized one such number, which was serviced by T-Mobile US, Inc. (“T-Mobile”) and had a 202 area code, to communicate with Straw A from March 24, 2019 through November 13, 2019. The number was saved in Straw A’s telephone contacts under “My Future,” the text exchanges between that 202 number and Straw A were frequent and romantic in nature, and the 202 number sent Straw A a “selfie” style picture featuring only FUENTES via multimedia messaging service (“MMS”) on or about June 8, 2019. Moreover, the billing address for the account associated with that number during the aforementioned time period was the same address in Fredericksburg, Virginia that FUENTES’ Virginia Criminal Record and Spotsylvania County court documents list as his last reported address. The listed subscriber of the account associated with the number during that time period was FUENTES’ father.

36. Historical cell site data provided to ATF by T-Mobile in response to a search warrant⁴ issued by the Hon. Theresa Carroll Buchanan shows that the telephone assigned that 202 call number traveled to the area of Bass Pro on June 23, 2019, when Straw A purchased two Smith & Wesson pistols at Bass Pro, and on August 31, 2019, when Straw A bought a Taurus pistol at

⁴ See 1:20-sw-1744.

Bass Pro. That data similarly shows that the telephone in question travelled to the area of Gander on September 13, 2019, when Straw A purchased a Smith & Wesson pistol and a Berreta pistol at Gander.

37. On or about the morning of November 12, 2019, FUENTES messaged Straw A from that 202 number stating “Need your help, so I can make some bread. And you some bread obviously.” Straw A agreed to help him, and messages show that FUENTES picked up Straw A in a vehicle at approximately 2:00 PM. On that date, Straw A purchased two Ruger, model EC9s 9mm pistols from Rural King.

38. On or about the morning of November 13, 2019, FUENTES messaged Straw A from that 202 number asking if Straw A was ready. Messages show that FUENTES and Straw A rendezvoused at some point in the early afternoon on that same date, and at approximately 2:58 PM, Straw A messaged FUENTES, telling him “boo this store sells everything,” to which FUENTES responded “[y]es they do.” Straw A asked if FUENTES wanted her to bring him the keys, and he responded “maybe its [sic] cold.” Messages suggest that they met at a vehicle, and FUENTES subsequently asked if Straw A was ok, to which Straw A responded “ya... waiting for them to come do a paper check and walk out.” On that date, Straw A purchased two Taurus, model PT111 G2A, 9mm pistols from Rural King.

39. FUENTES also used a number with an 804 area code to communicate with Straw A from July 27, 2018 through September 18, 2018. That number was also saved in Straw A’s telephone contacts under “My Future,” the text exchanges between that 804 number and Straw A were frequent and romantic in nature, and that 804 number sent Straw A three Short Message Service (“SMS”) messages referring to “Chunlee,” which ATF investigation revealed is FUENTES’ nickname for his vehicle.

40. On or about the afternoon of August 4, 2018, FUENTES messaged Straw A from that 804 number asking her if she had money on her and explaining that he desperately needed a “can.” FUENTES told Straw A that he had the “bread” (a term known to your affiant to be slang for money) for it on him and asked her if she felt like going to get him one. Straw A asked him what kind he wanted, and he responded any kind before asking her if she remembered “the cheap 9s⁵ we seen under 3” and stating “aslong [sic] as its [sic] not a hipoint⁶ ill [sic] be good.” Straw A told him she would go look and then messaged FUENTES “rem 1911 r1 45 acp 569.99-599.99.” Based on my training and experience, this is a reference to a Remington, model 1911, .45 caliber pistol being sold for \$569.99 to \$599.99. FUENTES told her that was “cheap for a 1911,” but more than he anticipated spending. Straw A told FUENTES she did not have enough cash on her to purchase the firearm, but she said could go get her credit card and purchase it. FUENTES apologized to her for “having [her] doing all this running around” and told her that if she purchased the 1911 she should get 45 shells and “[i]f they have hollows [sic] would be super love.” Based on my training and experience, “shells” refer to bullets and “hollows” is a slang term for holli-point bullets, which expand on impact in a “mushrooming” fashion. Straw A told FUENTES that after this purchase, she would need to cut back on spending, and FUENTES told Straw A he would give her what he had on him that day.

41. Straw A purchased a Remington, model 1911 R1 .45 ACP pistol bearing serial no. RHH058331 from Dances on that date.

⁵ In my training and experience, a “9” is slang for a 9mm pistol.

⁶ Hi-Point Firearms is a firearms manufacturer.

March 2020 Jail Calls

42. Following Straw A's interview with the ATF on March 18, 2020, FUENTES, who was incarcerated at the Rappahannock Regional Jail in Stafford for unrelated charges, spoke with LOVOS, with whom he was also romantically involved, via a recorded jail telephone line that evening.

43. LOVOS informed FUENTES that she had spoken to FUENTES' sister. LOVOS asked FUENTES if he had remembered the "toys" that they had purchased together for the children. FUENTES told LOVOS that he did remember, and LOVOS stated that "they" (referring to law enforcement) caught FUENTES and Straw A on video purchasing toys. LOVOS informed FUENTES that they were checking everything. FUENTES advised LOVOS to remember that the toys were all stolen when she was moving, and FUENTES told LOVOS to remember that in case she is interviewed.

44. LOVOS explained to FUENTES that Straw A had contacted FUENTES' sister. At FUENTES' request, LOVOS called FUENTES' sister and put her on the phone with FUENTES. FUENTES' sister explained to FUENTES that Straw A had contacted her and told her that the thing they had sold in D.C. was recovered and traced back to Straw A, to which FUENTES responded "oh shit." FUENTES' sister assured FUENTES that she had told Straw A not to speak to anyone.

45. In a subsequent call on that same date, FUENTES contacted LOVOS using another inmate's telephone pin number. FUENTES asked LOVOS if she was able to talk to Straw A, and LOVOS confirmed that she had been able to do so. FUENTES asked LOVOS to contact his sister and connect her to the phone call. FUENTES' sister explained that Straw A had told her that the ATF was asking her questions about FUENTES and had taken Straw A's phone. FUENTES'

sister told FUENTES that she had told Straw A to obtain a new phone, and FUENTES stated that Straw A should register the phone in a different name like they always do. FUENTES told his sister that he would only deal with two people, and then cursed himself and stated he should not have said their names.

46. In a subsequent call on that same date, FUENTES contacted LOVOS using another inmate's pin number and put Straw A on the phone. Straw A told FUENTES that she was worried. FUENTES told Straw A not to worry and that "it's me they want to slay, not you," to which Straw A responded "yeah, but I don't want to help them bury you."

47. Later on that same date, FUENTES contacted LOVOS and told her that if law enforcement asks her any questions regarding firearms, she should tell law enforcement that they were all stolen. FUENTES told LOVOS to tell law enforcement that he was only a friend showing / telling her about guns, and that – unlike Straw A, who had made the case for law enforcement by telling them his name and where he worked – she should lie and give law enforcement a different name for him.

ATF Interview of LOVOS

48. On June 30, 2020, LOVOS consented to an interview with ATF agents at her place of employment. When asked about the firearms that she had purchased, LOVOS initially told the agents that every firearm she owned had been stolen but that she had never reported any of the thefts to the police. LOVOS subsequently stated that she was actually in possession of a Smith & Wesson, model SD40VE, .40 caliber pistol that she had purchased at Dance's in October 2019. She then claimed that she had sold some of her firearms to a friend, but could not remember that friend's name. LOVOS denied knowing FUENTES.

June 2020 Jail Calls

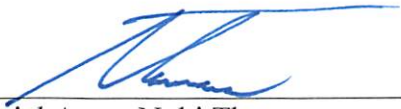
49. Following her interview with ATF agents on June 30, 2020, LOVOS spoke with FUENTES numerous times on that same evening via recorded jail calls. LOVOS told FUENTES that some friends had come and talked to her, that they knew a lot, and that it was not good. FUENTES told her that they think they know a lot, and LOVOS corrected him, saying “no, they know a lot.” FUENTES told LOVOS to stop talking to them and to stop doing their work for them. LOVOS told FUENTES that she was worried. FUENTES told LOVOS that she may not even “do a bid” because she had no criminal record and no guidelines, and that, even in the worst case scenario, she would be “out” way before him. LOVOS told FUENTES that a lot of the “toys” were in her name. LOVOS told FUENTES not to worry because she would take all the blame so that FUENTES would not do all the time. FUENTES told LOVOS not to incriminate herself and to get an attorney, but LOVOS told FUENTES that the police knew everything and that they showed her the paperwork for the firearms. FUENTES suggested that LOVOS lie about the day law enforcement was chasing them and to say that FUENTES was not in the vehicle driving. LOVOS told FUENTES that there was a lot of evidence, that law enforcement knew about her birthday present, and that her case was not looking good. FUENTES told LOVOS not to speak anymore and to write him letters using his aunt’s address as the sender address.

CONCLUSION

50. Based upon the foregoing facts, I submit there is probable cause to conclude that from at least October 18, 2019 through November 15, 2019, at various locations within the Eastern District of Virginia and elsewhere, JESUS FUNEZ FUENTES and MARIA ANTONIA LOVOS did unlawfully, knowingly, and intentionally combine, conspire, confederate, and agree to make

false statements with respect to information required to be kept in the records of an FFL in the course of the purchase of a firearm, in violation of 18 U.S.C. §§ 371 and 924(a)(1)(A).

Respectfully submitted and attested to in accordance with the requirements of Fed. R. Crim. P. 4.1 via telephone on February 9, 2020.



Special Agent Nobi Thomas
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn and subscribed to before me on February 9, 2021.

_____/s/ 
John F. Anderson
United States Magistrate Judge

Hon. John F. Anderson
United States Magistrate Judge